

Preliminary Injunction at 20-21. Defendants have failed, however, to ensure that their sales representatives comply with these mandates, as evidenced by four recent undercover telephone calls made by FTC investigator Christina Turner.

On March 2, 2005, Ms. Turner made an undercover call to ITV using the phone number shown during the Sea Vegg infomercial. Turner Dec., ¶ 20 and Att. 14. During that call, Ms. Turner (using an undercover name<sup>10</sup>) reluctantly agreed to purchase three bottles of Sea Vegg after being told by ITV's sales representative that she could not purchase just a single bottle (*i.e.*, a one-month supply) at its regular price of \$79.95. *Id.*, Att. 14 at 6-7. Without any further information or request for her permission to do so, the sales representative then enrolled her in a continuity program under which she would receive three bottles of Sea Vegg every three months:

JAMIE: [I]nstead of one bottle for \$80, I'll send you three bottles for \$99.95.

REDACTED: Okay, that sounds better.

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JAMIE: All right, if you don't mind holding just a few seconds, I'll be right back with your confirmation.

**(Brief pause -- music playing while on hold.)**

JAMIE: Okay, sorry for the delay. The total with the shipping and handling is \$111.90 and --

REDACTED: Okay.

JAMIE: -- just allow two to three weeks to be safe. That's the three-month supply of the Sea Vegg and then starting in about three months, you'll receive your monthly resupply of the Sea Vegg, the three bottles for just \$99.85 every three months. You can cancel or change that at any time by calling customer service, 1-800-215-0063. That number will be right inside your package as well. That's going to [REDACTED].

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<sup>10</sup> To preserve the Commission's ability to retain the undercover credit identity and credit card utilized by Ms. Turner during this call, we have redacted the identifying information.